

SL(6)408 – The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendments) (Wales) Regulations 2023

Background and Purpose

Section 5 of the Retained EU Law (Revocation and Reform) Act 2023 (“the REUL Act”) provides that “retained EU law” will be known as “assimilated law” after the end of 2023. Related terms are similarly renamed by section 5, for example “retained direct EU legislation” will be known as “assimilated direct legislation”.

The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendments) (Wales) Regulations 2023 (“the Regulations”) amend Welsh-made primary and subordinate legislation in consequence of this change in terminology. For example, the Regulations replace a reference to “retained EU law” with a reference to “assimilated law”, and a reference to “retained direct EU legislation” with a reference to “assimilated direct legislation”, in the Waste (Wales) Measure 2010.

According to the Explanatory Memorandum, the Regulations do not result in any change in policy. Rather, the amendments are being made for reasons of legal certainty and accessibility.

Procedure

Affirmative

The Welsh Ministers have laid a draft of the Regulations before the Senedd. The Welsh Ministers cannot make the Regulations unless the Senedd approves the draft Regulations.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

The following point is identified for reporting under Standing Order 21.3 in respect of this instrument.

- 1. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.**

As noted in the Explanatory Memorandum, this is the first time that the Welsh Ministers are seeking to exercise powers under the REUL Act.



It is also noted that the Senedd twice refused to give its consent to the Bill that became the REUL Act. Legislative Consent Motions for the Bill were debated, and not agreed, in Plenary on [28 March 2023](#) and [6 June 2023](#).

Welsh Government response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

15 November 2023



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

Legislation, Justice and Constitution Committee